THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.21069 OF 2006

Dated: 11th October, 2006.

Between :

K. Shiava Kumar .. Petitioner

And

1. The Commissioner, Proh. & Excise, Govt. of A.P., Office at MJ Road, Hyderabad and 2 others. .. Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.21069 OF 2006

ORDER :

Heard the learned Counsel for the petitioner and the learned Government Pleader for Prohibition & Excise appearing for the respondents.

W.P.No.23852 of 2005 filed by the petitioner earlier was allowed by this Court by order dated 30-06-2006 holding that the petitioner is liable to pay the licence fee proportionately with reference to the actual period of licence. This Court also directed that the excess licence fee, if any, collected from the petitioner shall be refunded or adjusted against other liabilities, if any, following due process of law. Pursuant thereto, the petitioner made an application dated 26-9-2006 requesting the respondents to adjust the excess licence fee paid for the year 2005-06 towards the licence fee for the year 2006-07 in terms of the order of this Court in W.P.No.23852 of 2005. Whereas the request made by the petitioner has been kept pending, the respondents issued the impugned proceedings dated 22-9-2006 directing the petitioner to pay the annual licence fee of Rs.4,75,000/- apart from a sum of Rs.95,000/- and Bank Guarantee for Rs.4,75,000/- towards licence fee of six months so as to grant licence in favour of the petitioner. Aggrieved by the same, this writ petition is filed.

The learned Government Pleader for Prohibition & Excise appearing for the respondents submits that the representation made by the petitioner on 26-9-2006 is pending consideration and an

appropriate decision will be taken shortly.

In the circumstances, though no Mandamus can be granted as prayed for, I deem it appropriate to dispose of the Writ Petition with a direction to the respondents to consider the request of the petitioner in his representation dated 26-9-2006 and pass appropriate orders in accordance with law within a period of two weeks from the date of receipt of this order. No costs.

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G. ROHINI, J.

Dt. 11-10-2006

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